

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ALVION PROPERTIES, INC.)	Chapter 11
)	
Debtor.)	CASE NO. 15-40462
)	

NOTICE OF DEBTORS' MOTION FOR ORDER AUTHORIZING SALE OF REAL
PROPERTY FREE AND CLEAR OF LIENS, CLAIMS, ENCUMBRANCES AND
INTERESTS UNDER SECTION 363 OF THE BANKRUPTCY CODE

TO: All Parties-In-Interest:

PLEASE TAKE NOTICE that Debtor, Alvion Properties, Inc., has filed a Motion for Order Authorizing Sale of Real Property Free and Clear of Liens, Claims, Encumbrances and Interests Under §363 of the Bankruptcy Code. wherein Alvion seeks to sell, subject to higher and better bids, the real property described on Exhibit A hereto (the "Property") to Purchaser for \$6,021,720.00. The Sale Motion and its exhibits, including with Sale Documents by and between the Debtor and Purchaser, may be obtained by contacting the undersigned.

All competing bids for the assets to be sold and/or any legal objections to the Sale Motion must be filed with the Court (electronic filing required) and served on the undersigned on or before December 11, 2015. **Any competing bids should describe with particularity why such bid is superior to the transaction described in the Sale Motion. Any legal objections to the Sale Motion must state with particularity the legal and factual basis for the objection. Any and all such competing bids and/or objections must be served on the undersigned counsel to the Debtor by 5:00 p.m., Central Time on December 11, 2015, and filed electronically with the United States Bankruptcy Court for the Southern District of Illinois, 301 West Main Street, Benton, Illinois 62812.**

Absent timely submission of competing bids and/or timely filing and service of legal objections to the Sale Motion, the Court will enter an Order approving the Sale Motion and the contemplated sale of the Property to Purchaser. **In the event objections to the Sale Motion are filed or competing bids for purchase of the Property are submitted, the Court will conduct a hearing on the Sale Motion, any objections to the Sale Motion and, if necessary, an auction for purchase of the Property on December 15, 2015, commencing at 9:00 a.m., Central Time, at the United States Bankruptcy Court for the Southern District of Illinois, 301 West Main Street, Benton, Illinois 62812.**

ALVION PROPERTIES, INC., DEBTOR

BY: /s/ Douglas A. Antonik
DOUGLAS A. ANTONIK #06190629

ANTONIK LAW OFFICES
3405 Broadway
P.O. Box 594
Mt. Vernon, IL 62864
Telephone: 618-244-5739
Facsimile: 618-244-9633
antoniklaw@charter.net

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon:

Mark Skaggs, U.S. Trustee's Office, 401 Main Street, Suite 1100, Peoria, IL 61602
Ziemer, Stayman, Weitzel & Shoulders, LLP, Attn: Nick j. Cirignano, P.O. Box 916,
Evansville, IN 47706-0916
Joel A. Kunin, Esq., The Kunin Law Offices, LLC, 1606 Eastport Plaza Drive, Ste.
110, Collinsville, IL 62234-6134
The Coffman Law Firm, Richard Coffman, 505 Orleans, Suite 505, Beaumont, TX
77701
Laura Hughes, Bryan Cave, LLP, One Metropolitan Square, 211 N. Broadway, Suite
3600, St. Louis, MO 63102
Bradford J. Sandler, Shirley S. Cho, Pachulski Stang Ziehl & Jones, LLP, 919 North
Market Street, 17th Floor, Wilmington, DE 19801
Clancy Covert, PO Box 15307, Chattanooga, TN 37415
Dana Petway, 250 Sandersferry Rd., Condo 29, Hendersonville, TN 37075
Darrell Dunham, PO Box 803, Carbondale, IL 62903
David Cox, PO Box 789, Harrisburg, IL 62946
Jack Harper, 400 S. Granger, Harrisburg, IL 62946
Keith Grant, 633 Chestnut St., Ste. 700, Chattanooga, TN 37415
Robinson Smith and Wells, 633 Chestnut St., Ste. 700, Chattanooga, TN 37415
Ron Pickering, 214 Estate Dr., New Iberia, LA 70563
Robert Eggmann, Desai Eggmann Mason LLC, 7733 Forsyth Blvd., Suite 800, St.
Louis, MO 63105
Alvion Properties, Inc., 22 S. Main St., Harrisburg, IL 62946
Farmers State Bank, Attn: Nick J. Cirignano, 20 NW 1st Street, 9th Floor, Evansville,
IN 47708
George E. Howard, 1710 Skyland Falls Court, Kingsport, TN 37664
SWRR Properties, Inc., George E. Howard, 1710 Skyland Falls Court, Kingsport, TN
37660
Donald Medley, 313 Country Club Lane, Harrisburg, IL 62946

Shirley Medley, 313 Country Club Lane, Harrisburg, IL 62946
HM Jack Reynolds, PO Box 668, Dunlap, TN 37327
American Gulf Finance Corporation, PO Box 613, Kingstown, St. Vincent & the
Grenadines
Case Coal, LLC, 207 Lewiston, Gross Pointe Farms. MI 48236
Webb Creek Management Group, LLC, 210 East Second Avenue, Suite 105, Rome,
GA 30161
Brian Bojo, McRae, Stegall, Peek, Harman, Smith & Monroe, LLP, 100 E. 2nd
Avenue, PO Box 29, Rome, GA 30161
ALL CREDITORS AND PARTIES OF INTEREST LISTED ON DEBTORS' MAILING
MATRIX

either electronically or by enclosing in an envelope with postage fully prepaid and by
depositing said envelope in a U. S. Post Office mail box in Mt. Vernon, Illinois, on the 20th
day of November, 2015. The above is true and correct to the best of the undersigned's
knowledge.

/s/ Alisha Finke
Alisha Finke

EXHIBIT

A

TRACT NO. 1: BEGINNING at a stake on the bank of Laurel Fork of Stock Creek, 314 feet southwest of a maple; thence N 37 W 4520 feet to a spruce; thence N 43 15 E 3463 feet to a stake on the East side of Stock Creek, corner to what is known as the L.H. Horton 42 acres tract, and with line of same N 43 W 2212 feet to a stake; thence N 43 30 W 3207 feet to a stake on the bank of Stock Creek; thence N 31 W 1746 feet to a stake on Stock Creek; thence N 12 15 W 1762 feet to a stake on the bank of Stock Creek; thence N 30 30 E 392 feet to a stake; thence N 45 W 600 feet to a stake on the east side of Stock Creek; thence N 28 30 E 1308 feet to a stake on the east side of Stock Creek; thence N 17 30 W 380 feet to a stake on the east side of Stock Creek; thence S 46 15 W 180 feet to a stake on the west side of Stock Creek; thence N 35 15 W 3808 feet to a stake on top of Powell's Mountain; thence with the meanders of Powell's Mountain N 29 30 E 530 feet to a stake; thence N 57 30 E 231 feet to a stake; thence N 36 E 555 feet to a stake; thence N 26 E 385 feet to a stake; thence N 1 W 292 feet to a stake; thence N 70 E 129 feet to a stake; thence W 198 feet to a stake; thence N 48 E 759 feet to a stake; thence N 16 45 E 336 feet to a stake; thence N 35 45 E 300 feet to a stake; thence N 18 E 232 feet to a stake; thence N 46 E 541 feet to a stake; thence N 24 15 E 758 feet to a stake; thence N 55 15 E 373 feet to a stake; thence N 16 E 234 feet to a stake; thence N 35 E 730 feet to a stake; thence N 23 W 110 feet to a stake; thence S 84 30 E 383 feet to a stake; thence S 302 feet to a stake; thence S 38 W 200 feet to a stake; thence S 47 45 E 985 feet to a stake; thence N 89 15 E 305 feet to a stake; thence N 69 E 300 feet to a stake; thence N 54 30 E 253 feet to a stake; thence N 28 30 E 230 feet to a stake; thence N 61 45 E 176 feet to a stake; thence S 8 30 E 302 feet to a stake; thence S 12 E 234 feet to a stake; thence S 34 E 1023 feet to a stake; thence S 83 E 460 feet to a stake; thence N 31 E 618 feet to a stake; thence N 43 30 E 378 feet to a stake; thence N 31 30 E 253 feet to a stake; thence N 52 E 228 feet to a stake; thence S 71 E 443 feet to a stake; thence N 76 E 394 feet to a stake; thence S 57 E 209 feet to a stake; thence S

BOOK 433 PAGE 854 A

88 E 231 feet to stake; thence N 72 45 E 284 feet to a stake; thence S 51 15 E 86 feet to a stake; thence N 73 E 691 feet to a stake; thence S 44 45 W crossing the head waters of Cove Creek 5849 feet to a stake; thence S 55 15 W 1696 feet to a stake; thence S 88 E 1808 feet to a stake; thence S 85 30 W 2227 feet to a stake; thence S 87 45 E crossing Cove Creek 4160 feet to a white oak, hickory and chestnut; thence S 1 45 W 5975 feet to a stake on Dry Fork of Cove Creek; thence S 7 E 793 feet to a stake on the left bank of Cove Creek; thence S 23 30 E 2423 feet to a stake on Dry Fork of Cove Creek; thence S 45 45 E 1610 feet to a stake on the East bank of Dry Fork; thence S 36 30 E 1744 feet on the East bank on Dry Fork of Cove Creek; thence S 80 15 W 2374 feet to a stake on Stone Mountain, and with the top of same S 54 W 616 feet to a stake; thence S 71 W 180 feet to a stake; thence leaving top of Stone Mountain with the line of the Mitchell tract N 33 30 E 2500 feet to a stake and continuing with boundary line of said Mitchell tract S 81 15 W 755 feet to a stake; thence continuing with the Mitchell line N 17 15 W 1071 feet to a stake and with the Mitchell line N 76 W 363 feet to a stake, and with line of Mitchell tract S 78 30 W 344 feet to a stake; thence with the Mitchell line W 221 feet to a stake in the L.H. Horton tract; thence S 33 15 E 3489 feet to a stake, corner to the Mitchell and Horton tracts, and with lines of same S 53 30 W 798 feet to a stake; thence S 23 30 E 1060 feet to a stake on top of Powell's Mountain, and leaving the Mitchell tract and continuing with the L.H. Horton tract S 69 30 E 1510 feet to a stake on Stone Mountain; thence with the line of the Horton tract 1052 feet to a stake; thence S 35 E 152 feet to a stake; thence S 54 30 E 70 feet to a stake; thence S 83 45 W 98 feet to a stake; thence S 43 30 E 219 feet to a stake; thence S 30 E 145 feet to a stake; thence S 37 15 E 143 feet to a stake; thence S 22 30 E 271 feet to a stake; thence S 47 E 82 feet to a stake; thence S 34 E 209 feet to a stake; thence S 37 E 214 feet to a stake; thence S 84 37 W feet to a stake; thence N 42 15 W 510 feet to a stake; thence N 34 30 W 101 feet to a stake; thence N 44 45 W 157 feet to a stake; thence S 28 30 E 650 feet to a stake, corner to the Hill lot; thence with the Hill lot S 70 W 184 feet to a stake and with line of said Hill lot

BOOK 433 PAGE 855 A

S 22 E 218 feet to a stake; thence with line of Hill lot N 47 E 184 feet to a stake; thence leaving Hill lot S 23 E 515 feet to a stake; thence S 43 30 W 369 feet to a stake; thence S 23 W 266 feet to a stake; thence S 38 W 929 feet to a stake; thence S 29 W 112 feet to a stake; thence S 67 W 448 feet to a stake; thence S 33 W 507 feet to a stake; thence S 29 E 325 feet to a stake in Stock Creek; and leaving Stock Creek N 70 30 W 560 feet to a stake; thence N 29 W 622 feet to a maple; thence S 44 W 314 feet to the BEGINNING, the grantors, however owing only the mineral rights to the L.H. Horton 481.82 acres within the above described boundary; never having owned the surface.

TRACT NO. 2: BEGINNING on the southern line at a corner between the said Mitchell land and Interstate Coal & Iron Co. tract of land on top of Stone Mountain, and running N 33 30 W 2500 feet to a stake; thence S 81 15 W 755 feet to a stake; thence N 17 15 W 1071 feet to a stake; thence N 76 W 363 feet to a stake; thence S 78 30 W 344 feet to a stake; hence Westwardly 221 feet to a corner in the line of the L.H. Horton 481.82 acre tract; thence S 33 15 W 3488 feet along the line of the L.H. Horton 481.82 acre tract to a stake; thence S 53 30 W 798 feet to a stake; thence S 23 30 E 1060 feet to a corner on the south line of the L.H. Horton tract; thence N 50 45 E 2127 feet to the BEGINNING, containing 112.90 acres, more or less.

The above two tracts of land are all the lands, minerals and mineral rights as set out and described in that certain deed dated July 21, 1967, from C.J. Harkrader, et al, to N.D. Howard, J.C. Howard and B.P. Howard, as recorded in Deed Book 240, at Page 115, of the records of the Clerk's Office of Scott County, Virginia, save and except the exceptions as set out in said deed.

BOOK 433 PAGE 856A

TRACT NO. 3: LOT NO. 5: BEGINNING of Lot No. 5 at a stake at (8) in a line of widow's dower, S 38 3/4 E 61 poles to a stake at (4), S 61 1/4 W 22 poles to a stake at (16), S 50 1/2 W 44 poles to tow small chestnuts on a spur, S 61 1/4 W 15 poles and 9 links to a pine, S 27 1/4 W 90 poles to a stake in Stock Creek; thence up Stock Creek N 11 1/2 W 17 poles and 15 links to a stake, N 53 1/2 W 14 poles and 21 links to a stake, N 32 W 10 poles to a stake, N 44 1/2 W 14 1/2 poles to a stake at (9), N 37 E 163 poles to the BEGINNING, containing 45.48 acres, more or less.

TRACT NO. 4: LOT NO. 6: BEGINNING on a stake at (17), N 80 1/4 E 67 poles to a stake at (18) S 13 3/4 E 14 1/2 poles to a hickory, corner of A.W. Prewitt at 19 and with his line S 80 1/4 W 72 poles to a stake in the old salting ground gap, N 7 E 14 1/2 poles to the BEGINNING, containing 6.08 acres, more or less.

TRACT NO. 5: LOT NO. 9: BEGINNING at a stake at (8), corner of Lot No. 2 and 5, N 54 E 37 poles to a stake at (20), S 43 1/2 E 49 1/2 E 49 1/4 poles to a stake at (17), S 7 W 14 1/2 poles at (2), S 67 3/4 W 15 poles and 18 links to a small chestnut on a rise at (3), S 30 3/4 W 12 poles to a stake, S 61 1/4 W 2 poles to a stake at (4), N 38 3/4 W 61 poles to the BEGINNING, containing 12.35 acres, more or less.

TRACT NO. 6: All that certain tract or parcel of land as located in Powell Mountain, near Mabe, adjoining the lands of Harrison Pruitt, Jefferson National Forest, and others; and being the same tract of land conveyed to J.F. Sergeant, Trustee, by A.W. Shupe, said deed of record in the Clerk's Office of Scott County, Virginia in Deed Book 79, at Page 252, to which reference is hereby made, containing one hundred and fifteen (115) acres, more or less.

All property located in Scott County, Virginia

LEGAL DESCRIPTION FOR *20 ACRES*
PORTION OF THE ALVION PROPERTIES, INC. PROPERTY
SCOTT COUNTY, VIRGINIA
(20 Acre Tract, minimum) *NOT BEING SOLD*

BEGINNING at a point which marks the intersection of the centerline of State Route 725 with the centerline of Forrest Service Road 239 (also centerline of permitted roadway shown on an Application Map submitted to the Commonwealth of Virginia Department of Mines, Minerals and Energy dated November 11, 2007); said point lying 3050 feet, more or less, northwesterly along the centerline of said State Route 725 from the intersection of the centerline of said State Route 725 with the centerline of State Route 653 at Mabe, Virginia; thence from said point of BEGINNING and running along the centerline of said State Route 725 in a southwesterly direction, a distance of 250 feet, more or less, to a point in the centerline of said road; thence leaving said road and running along severance lines thru Tract 1 of the Alvion Properties, Inc. property described in a deed recorded in Book 433, Page 852A, Registers Office of Scott County, Kentucky and shown as Tract 1 of a survey prepared by Fugate Land Surveying, Bristol, Virginia and dated June 13, 2000 and running in a westerly direction a distance of 100 feet, more or less, to a point which marks the intersection of the centerline of Stock Creek with the intersection of a small unnamed blue line stream which enters said Stock Creek from the northeast; thence running upstream along the centerline of said Stock Creek, a distance of 3450 feet, more or less, to a point in the center of said creek; thence leaving said creek and running in a northeasterly direction and along a line perpendicular to the said Forrest Service Road 239, a distance of 375 feet, more or less, to a point in the centerline of said Forrest Service Road 239, said point also lying in the centerline of said permitted roadway shown on the said above referenced Application Map; thence running in a southeasterly direction generally along the centerline of said Forrest Service Road 239 in part and along the centerline of the permitted roadway right-of-way for the total, a distance of 3400 feet, more or less, to the point of BEGINNING; containing a minimum of 20 Acres; (all distances and features taken from the above referenced Application Map prepared by Gress Engineering, Appalachia, Virginia for Case Coal, LLC and dated November 15, 2007)

Scott County, Virginia